



# Pedro Colón

STATE REPRESENTATIVE

## State Representative Pedro Colón Statement in Opposition to Assembly Bill 569

Assembly Committee on Judiciary and Ethics

Public Hearing

January 31, 2008

Chairman Suder and Committee members thank you for allowing me the opportunity to express my opposition to Assembly Bill 569 (AB 569). This legislation seeks to prohibit local ordinances from enacting or enforcing ordinances that prohibit an employee of a local government from inquiring about the immigration status of individuals seeking public benefits or services.

While few will argue that the United States immigration system functions well, this proposal will do nothing to rectify a clearly flawed system. In fact, I believe that this type of legislation will have a chilling impact on crime and safety in our communities.

Tragically, cold-blooded murder took place a few blocks from my home on Saturday a Milwaukee Police Chief Edward Flynn announced today that the police have arrested two suspected gang members in connection with this terrible crime. So, I must agree with Chief Flynn in his comments about immigration to the editorial board of the Milwaukee Journal Sentinel. He stated, "This (immigration) is a demagogue issue....There is a sense out there that there is some simple solution. I think all of you know the following rule of thumb: For every complicated problem, there is a simple solution that's wrong."

Thus we must work together with the U.S. Congress to fix this problem on a national scale, not by offering proposals for purposes of garnering headlines and manufacturing political issues. Furthermore, AB 569 will have a chilling effect on law enforcement in my community. If officers are required to question someone's citizenship status, what is the likelihood that they will cooperate with law enforcement personnel? Here again, Chief Flynn is correct. He stated, "If someone shot you, is our first question, 'What is your immigration status?' or 'Can you describe your assailant?'"

I ask this Committee to consider the larger ramifications of this type of legislation. It is divisive, largely unworkable and puts the safety of communities at risk. We should work together with our U.S. Congressional Representatives in order to find a national solution to an immigration system that no longer functions.

AB 569 unfortunately will do nothing but divide our communities, create an atmosphere of distrust and likely make the job of our law enforcement officers more difficult.

I urge the committee to reject this proposal and instead join me in working with our federal representatives to find real solutions.

8th Assembly District

Testimony in opposition to AB 569

1/31/2008

Laura Berger RN  
representing self  
contact: 279-4045 cell

I work as a public health nurse and this bill worries me.

As you probably already know, one of the ways public health serves the community is by providing or assuring communicable disease testing, prevention and connection to treatment. This includes HIV, STI's, TB

We promote healthy pregnancies and infants in a variety of ways including education, connection to health care and community resources, the WIC program and immunizations.

We do not have any written policies that prohibit immigration status inquiries. At the same time, we do not ask that people to whom we provide services provide proof of citizenship or legal residence. To do so would be a tremendous presumably unfunded burden on our department. It would likely kick out some of the people who need public health attention the most. I include people who are citizens who don't have their social security card, passport or even driver's license to prove their eligibility for services.

I can see that it could put pressure on people who are here without documentation, to provide false documents thereby increasing problems that come from false social security numbers.

It is to the public's benefit that public health be able to use its limited resources most efficiently to meet public health goals that improve the life for everyone in the community.

While this bill does not require that individuals prove citizenship to receive services, I can see that next step coming. I can tell you now that the consequences of that would be devastating.

Picture poorly controlled outbreaks and increased rates of infectious diseases, and more preterm infants possibly born outside of the hospitals.

Do not pass AB 569 out of this committee.

Dear Committee Members,

January 31, 2008

I am writing in support of SB 309/AB569. I am all for legal immigration. My brother recently married a woman from Mexico. He brought her into the United States by lawful means. That was the good and right thing to do.

In addition to that, my husband and I are friends with a wonderful couple who are immigrants from India. They are among our best friends. In recent years, they both became citizens of the United States. They followed legal protocol. That also was the good and right thing to do.

We have also seen this issue from another point of view. Our 21 year old daughter returned earlier this month from Tanzania, East Africa. She spent 8 months there. Her hopes were to stay until spring, but since her visa was not approved for an extended stay, she returned when the Tanzanian government told her she must. She was disappointed, but followed the law of the land and didn't try to circumvent the law.

I write this to you to let you know that yes, I believe there should be a place for government intervention when people do not follow the law. The role of government should be to protect its citizens. Immigration law included. Those from other countries should not have any reason to believe that the laws of our state and nation need not be followed. If immigration law is not followed and aliens live here illegally, what other laws might they try to break? Respect for the law is critical for a stable nation. SB 309 and AB 569 would be a step in the right direction toward protecting the citizens of Wisconsin.

Thank you very much.

Mary Weigand  
5629 Colleen Lane  
West Bend, WI 53095

**Rabbi Laurie Zimmerman, Congregation Shaarei Shamayim**  
849 E. Washington Ave., Madison, WI 53703, (608) 628-6814

Statement in opposition to AB569

I speak as the rabbi of Congregation Shaarei Shamayim and on behalf of the Interfaith Coalition for Worker Justice, and I am here to speak strongly against this hateful legislation.

My faith tradition, as well as the faith traditions of my Christian and Muslim colleagues, is clear -- we must not oppress the immigrant. We must stand against hatred. We must treat all people equitably and fairly.

In Leviticus we read, "When a stranger dwells with you in your land, do not oppress the stranger. The stranger who dwells with you should be like one of our citizens. Love the stranger like yourself, for you were once strangers in the land of Egypt."

The Bible teaches us that we must not cheat immigrants or exploit them or force them to hide in the shadows for fear of imprisonment and deportation.

We are obligated to treat the stranger, the immigrant, with justice and with respect, and with the values of hospitality -- regardless of whatever documents the person may or may not possess. We must remember that our ancestors were oppressed, and we must refrain from enacting that oppression on others.

Our government is generating fear and havoc among immigrant families, and it is turning people of faith against one another, fueling bigotry and racism. I am here today in opposition to this legislation to say that religious people reject this hate-mongering, for we know that to be a religious person means to stand against hatred. We know that to be a religious person means to speak out against the suffering and intolerable exploitation of immigrant workers and their families.

The issue that stands before us is: What kind of people do we want to be? What kind of nation do we want to be? Do we want to be known for fairness and compassion? Or for intolerance and bigotry? Do we want to be known as a nation that welcomes people in need and finds just solutions to our broken immigration system? Or do we want to be known for penalizing and criminalizing people who are vulnerable, who are simply trying to survive?

As religious people we know that every human being has inherent worth and dignity, whether they were born in Wisconsin or they have crossed our country's borders.

It is the responsibility of the faith community to stand for true justice, to speak against the hatred in our society, and to walk a moral path of respect and dignity for all people in our society.

All religions believe in justice. We are one people and we will not be persuaded to hate our immigrant brothers and sisters. Our congregations and our communities are filled with immigrants. We must not be silent, and we will not let this hateful legislation divide us.

Thank you.

Statement of Attorney Anthony Delyea on behalf of the Wisconsin  
Association of Criminal Defense Lawyers

January 31, 2008

I appear today on behalf of the Wisconsin Association of Criminal Defense Lawyers in opposition to AB 569.

If enacted, the fiscal cost of this legislation to our justice system will be enormous. First, our judicial system will grind to a halt. There will be no incentive for defendants charged with even minor crimes to plea bargain. The result, trial after trial that will tax our judicial system.

Secondly, if convicted, all sentences will have to be served in the local county jail, since persons subject to possible deportation are not eligible for Huber, or Electronic Monitoring Programs.

Third, the cost to social services, charities, and the other fibers that make Wisconsin a wonderful place to live.

I practice in Madison, where I represent many Spanish-speaking individuals. It has come to my attention that Immigration and Customs Enforcement (ICE) has stepped up its detention and removal efforts in the deportation of aliens convicted of crimes. In the past, defendants convicted of serious crimes were almost certain to be deported. We knew convictions of Class C and above felonies, larger scale drug trafficking, and domestic violence convictions meant deportation. Occasionally, a defendant with an Operating While Intoxicated 5<sup>th</sup> or similar conviction would also be deported.

In June of 2007, ICE received substantial new funding and there was some reorganization. In October and December of 2007, I began to notice that more of my clients had detainers and none of them were released (before there might be a detainer for a couple of days, then they would be released). I became concerned, so I spoke to other members of the defense bar and they shared similar experiences.

I contacted the Dane county Sheriff's office, and they informed me that their policies and procedures in this area had not changed. They check the birthplace of each inmate checking into the Dane County Jail (DCJ). If the inmate was not born in the United States, they ask for immigration documentation, if the inmate does not have the documentation, then the DCJ notifies ICE via fax, as they have for perhaps a decade or longer.

This change is important. You can imagine that having lived here for a while, perhaps with a wife and kids, owning a car and a house, making more money at a factory than some Mexican doctors and lawyers make, happy to pay taxes that are greater than their wages would be in Mexico, these defendants will do anything possible to avoid deportation. This is particularly problematic in operating while intoxicated cases with their mandatory jail sentences, as there will be absolutely no reason for aliens facing deportation to enter a plea.

I cannot estimate the cost inherent in scores of jury trials and imprisonment of every undocumented alien serving the duration of their sentences, and the additional costs associated with holding them for ICE. Nevertheless, unless the Sheriff changes his policy of notifying ICE in every case, this bill is coming.

I no longer accept private clients with these cases unless there is a clear issue regarding guilt —my efforts to mitigate their sentences are no longer meaningful. Lottery trials (win one in a million) and arrest warrants for not appearing in court or not reporting to the jail are inevitable once these defendants learn that any plea that results in a jail sentence will result in deportation. I can think of no possible incentive to enter a plea that will result in deportation, because a one in a million chance of winning a trial is much better than entering a plea where your chances of avoiding deportation are zero.

These costs will not be borne by the counties alone, it is true that as a member of Dane County's Criminal Defense Project (CDP) I took county appointments on a contract for flat fees. Fortunately, there was a clause that allowed me to withdraw from the program, as I cannot take case after case to trial for the fees we had agreed upon. The state will not be as lucky. The State Public Defender and the district attorney's office will also pay a heavy tax, as attorneys on both sides will struggle along with the courts trying to manage a significant number of trials without new resources.

Finally, another cost that those responsible for financing the judicial system may want to consider:

When an alien reports to a jail to serve a sentence, and an immigration detainer is in place, the alien is ineligible for Huber, EMP, or any other program. The alien must serve his entire sentence in the jail. These inmates will not pay *Huber* board. All of these costs must be absorbed in the current budget. Next, the jails notify ICE that the alien is "available," upon completion of the sentence. ICE says it has two working days to pickup the alien; however, it does not appear that the DCJ monitors how long it takes

ICE to pick up the aliens. There is no effective legal recourse to lengthy detentions. The question is how long must we keep them and who pays? My inquiries have not resulted in a firm answer regarding the length of these detentions or the costs.

There will also be other tragic and expensive consequences to pay. More budgetary challenges will arise as we deal with the spouses and children of these deportees; these family members, many of whom are citizens, are at severe risk of joining those already homeless in our community. In California and other states where ICE has more resources, they often give the family the option of being deported together. An idea worth promoting, as a cost saving measure, if not a humane measure.

It is the job of the federal government to enact and enforce immigration laws. Likewise, it is the responsibility of the federal government to pay for the enforcement effort. This legislature must not tie the hands of local officials already struggling to control taxes, by imposing the costs of enforcing immigration laws on local taxpaying citizens.

I urge you to reject this bill; under the rule of unintended consequences, the costs to local governments will be tremendous.